

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION, CLEVELAND

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In re: ) CHAPTER 13  
 )  
 Brian Finley ) CASE NO. 10-13311  
 and )  
 Jessica Finley, ) JUDGE: Arthur I. Harris  
 )  
 Debtors. )  
 )

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**DEBTORS' MOTION FOR ORDER GRANTING AUTHORITY TO  
ENTER INTO LOAN MODIFICATION AGREEMENT NUNC PRO TUNC  
WITH OCWEN LOAN SERVICING, LLC**

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Now come the debtors, by and through counsel, and move this Honorable Court for entry of an order authorizing the debtors to enter into a loan modification agreement Nunc Pro Tunc with Ocwen Loan Servicing, LLC ("Lender"), for the reasons set forth in the accompanying memorandum attached hereto and incorporated herein.

Respectfully submitted,

*/s/ Richard H. Nemeth*  
Richard H. Nemeth (#0007392)  
Matthew H. Barrett (#0066984)  
Nemeth & Barrett, LLC  
*Attorneys for the debtors*  
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## MEMORANDUM

In support of their motion, the debtors state as follows:

1. The debtors filed this chapter 13 bankruptcy proceeding on April 13, 2010.
2. Litton Loan Servicing currently holds or services a first mortgage loan secured with the debtors' primary residence located at 6210 Laverne Avenue, Parma, Ohio 44129 (the "Primary Residence").
3. The principal balance on the first mortgage for the Primary Residence is \$98,164.394 with interest at the rate of up to 4.8% per annum.

4. The current first mortgage provides for monthly mortgage installment payments of \$639.89 including charges for property insurance.

5. The debtors wish to enter into a loan modification agreement [a copy of which is attached hereto as Exhibit A] to reduce their monthly mortgage payment to \$304.60 per month with the initial installment of \$443.68, due February 1, 2012. The terms of the loan modification are as follows:

○ Principal Balance	\$71,898.56
○ Interest Rate	3.800%
○ Principal and Interest Payment	\$ 304.60

6. The debtors state that this agreement will make it easier for them to retain their residence and avoid foreclosure.

7. The debtors further state that the trustee should not continue making disbursements on the pre-petition mortgage arrearage claim payments as provided in the confirmed chapter 13 plan. (**there was no mortgage arrearage**)

WHEREFORE, the debtors request that, their motion be granted, the Court enter an order authorizing them to enter into the loan modification agreement attached hereto as Exhibit A and entering such further relief as the Court may deem appropriate.

*/s/ Richard H. Nemeth*  
Richard H. Nemeth (#00007392)  
*Attorney for the debtors*

**SERVICE**

The undersigned certifies that a copy of the foregoing was mailed via ordinary U.S. Mail, or was otherwise served as indicated, this 9<sup>th</sup> day of March, 2012 to the following:

Craig Shopneck, trustee  
(served electronically)

Ocwen Loan Servicing, LLC  
P. O. Box 24737  
West Palm Beach, FL 33416-4737

Brian and Jessica Finley  
6201 Laverne Avenue  
Parma, OH 44129

*/s/ Richard H. Nemeth*  
Richard H. Nemeth (#00007392)  
*Attorney for the debtors*